



Applicant : Guillaume et al.
Serial No. : 10/613,351
Filed : July 3, 2003
Title : CONTAINER FOR DISPENSING A HEATED FLUID

MAIL STOP PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.181(a)(2)

S I R:

Application documents for the instant application were deposited on 3 July 2003 as a Division of Application No. 09/937,050. Owing to inadvertence, copies of the drawings from parent Application No. 09/937,050 were not included with the application papers. As a result of this omission, a "Notice of Incomplete Nonprovisional Application" was sent to the undersigned attorney.

In the transmittal letter for the instant divisional application, Applicants specifically stated that the disclosure of prior Application No. 09/937,050 is incorporated by reference in the disclosure of this divisional application.

It is believed that MPEP §§ 201.06(c) (Rev. 1, Feb. 2003) is applicable in this situation:

In a continuation or divisional application, the safeguard (petition and fee under former 37 CFR 1.60(b)) concerning the filing of an application lacking all of the pages of the specification or sheets of drawings of the prior application has not been retained in 37 CFR 1.53(b) since the specification and drawings of a continuation or divisional application are not limited to a reproduction or a "true copy" of the prior application. As a safeguard, however, an applicant may incorporate by reference the prior application by including, in the continuation or

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

17 October 2003

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divisional application-as-filed, a statement that such specifically enumerated prior application or applications are "hereby incorporated herein by reference." The statement may appear in the specification or in the application transmittal letter. The incorporation by reference statement can only be relied upon to permit the entering of a portion of the prior application into the continuation or divisional application when the portion of the prior application has been inadvertently omitted from the submitted application papers in the continuation or divisional application. The inclusion of this incorporation by reference of the prior application(s) will permit an applicant to amend the continuation or divisional application to include any subject matter in such prior application(s), without the need for a petition provided the continuation or divisional application is entitled to a filing date notwithstanding the incorporation by reference.

See also MPEP § 601(d) (Aug. 2001) regarding responses to a Notice of Incomplete Application.

Enclosed is a copy of the drawings originally submitted in PCT/GB00/00939, of which Application No. 09/937,050 is the National Phase filing. Application No. 09/937,050 has now matured into U.S. Patent No. 6,613,363. Also enclosed are copies of the cover page of said patent and of the three pages of drawings. It can readily be seen that the drawing sheets submitted herewith are identical to those that were in the filed Application No. 09/937,050.

Although MPEP § 201.06(c) indicates that the drawings can be submitted by way of an amendment without the need to file a petition, Applicants are complying with the third paragraph of the Notice of Incomplete Nonprovisional Application and are therefore filing this Petition. Applicants submit that, in these circumstances, the filing fee for this Petition should be refunded.

The second paragraph of the Notice of Incomplete Nonprovisional Application purports to require that Applicants submit a newly executed Oath or Declaration covering the items submitted herewith. It is believed that since these items were already of record in Applicants' parent application and that they have been incorporated herein by reference, a newly executed Oath or Declaration is not required. The items submitted herewith are merely copies of items already of record in the United States Patent and

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Attorney's Docket No.: 08291-710003 / 10729P2 (DIV
II)

Trademark Office and are covered by the Declaration submitted in parent application No.
09/937,050.

Respectfully submitted,

Date: 17 Oct 03

17 Oct 03

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(12) **United States Patent**
Guillaume et al.

(10) **Patent No.: US 6,616,363 B1**
(45) **Date of Patent: Sep. 9, 2003**

(54) **CONTAINER FOR DISPENSING A HEATED FLUID**

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(73) **Assignee:** Reckitt Benckiser France, Massy (FR)

(*) **Notice:** Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) **Appl. No.:** 09/937,050

(22) **PCT Filed:** Mar. 15, 2000

(86) **PCT No.:** PCT/GB00/00939

§ 371 (c)(1),
(2), (4) **Date:** Sep. 20, 2001

(87) **PCT Pub. No.:** WO00/56631

PCT Pub. Date: Sep. 28, 2000

(30) **Foreign Application Priority Data**

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Jun. 10, 1999 (GB) 9913461

(51) **Int. Cl.⁷** A46B 11/08

(52) **U.S. Cl.** 401/1; 401/208

(58) **Field of Search** 401/1, 2, 208,
401/213, 219, 220

(56) **References Cited**

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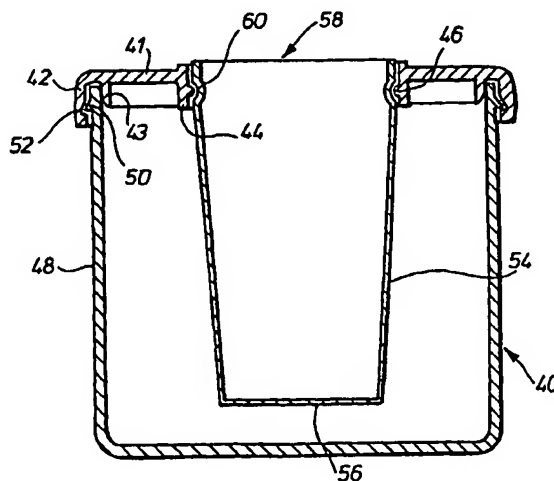
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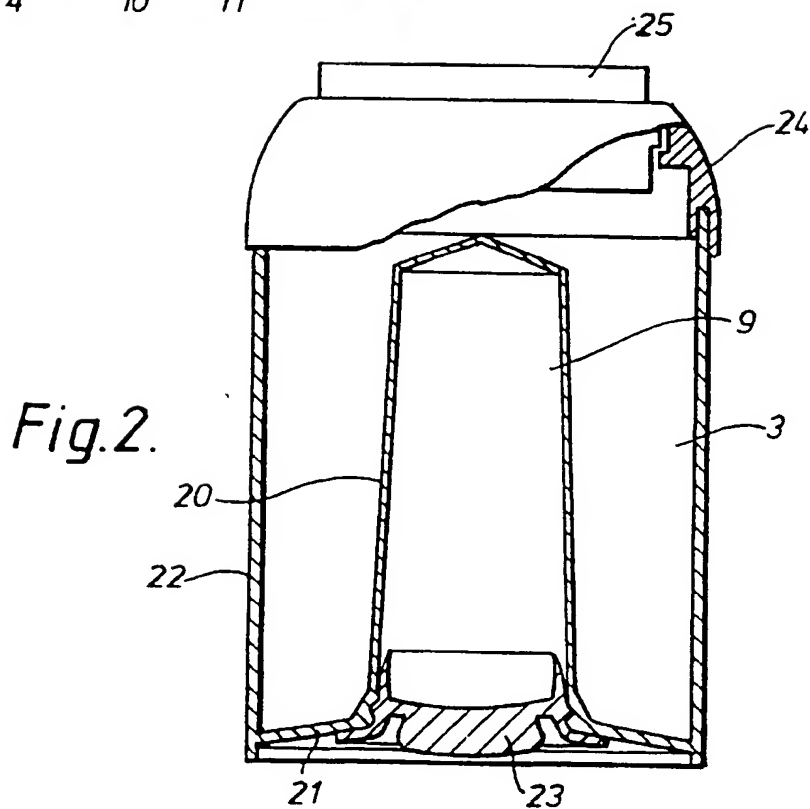
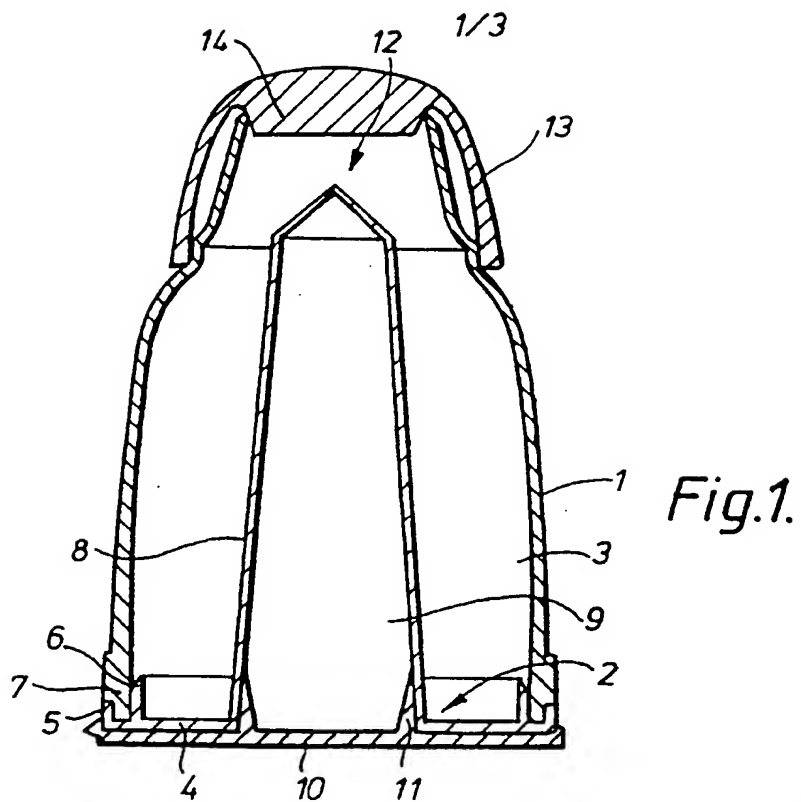
(74) *Attorney, Agent, or Firm*—Fish & Richardson P.C.

(57) **ABSTRACT**

A container to heat and dispense material comprises a container which defines a first compartment adapted, in use, to be filled with the material requiring heating, such as epilatory wax, and a second compartment adjacent to the first compartment and separate therefrom by a dividing wall. The container has an inlet to the second compartment in the outer wall thereof which is closeable by a plug or stopper. In use, the second compartment is filled with a heated liquid, such as warm water, to heat the material in the first compartment, so that it can be applied to a site through an applicator.

11 Claims, 3 Drawing Sheets







WO 00/56631

PCT/GB00/00939

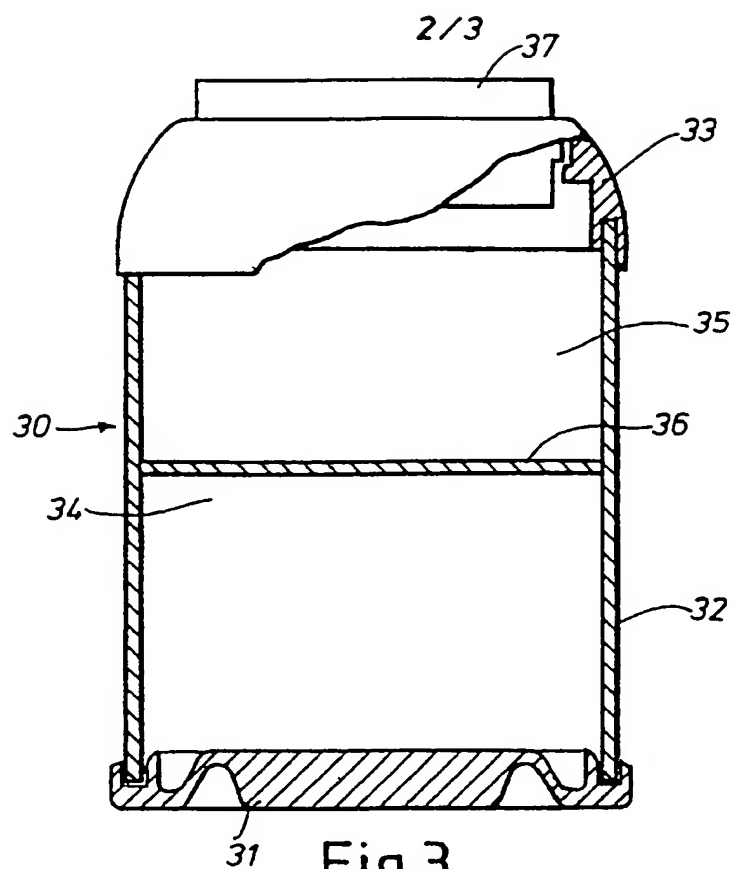


Fig.3.

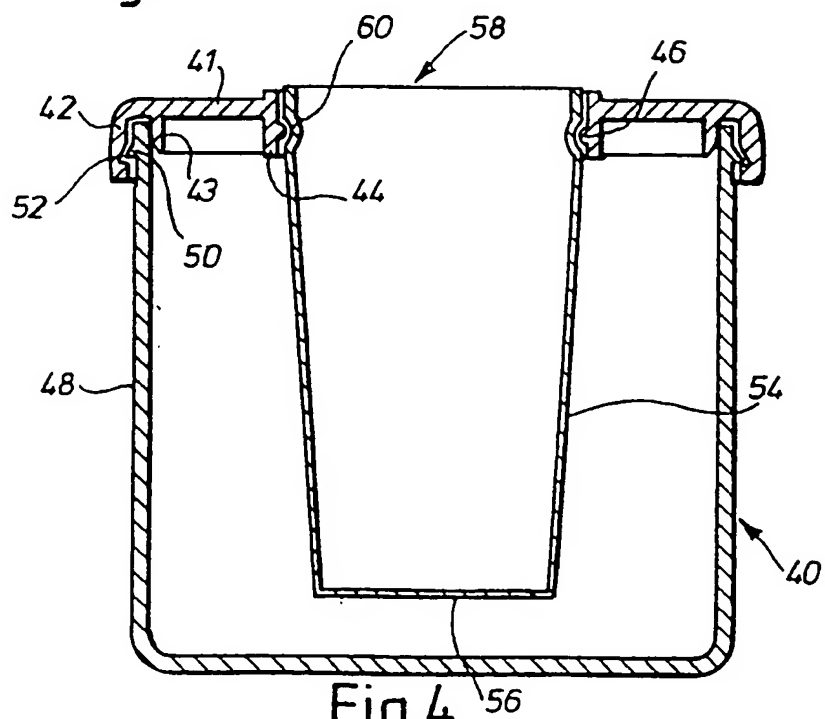


Fig.4.

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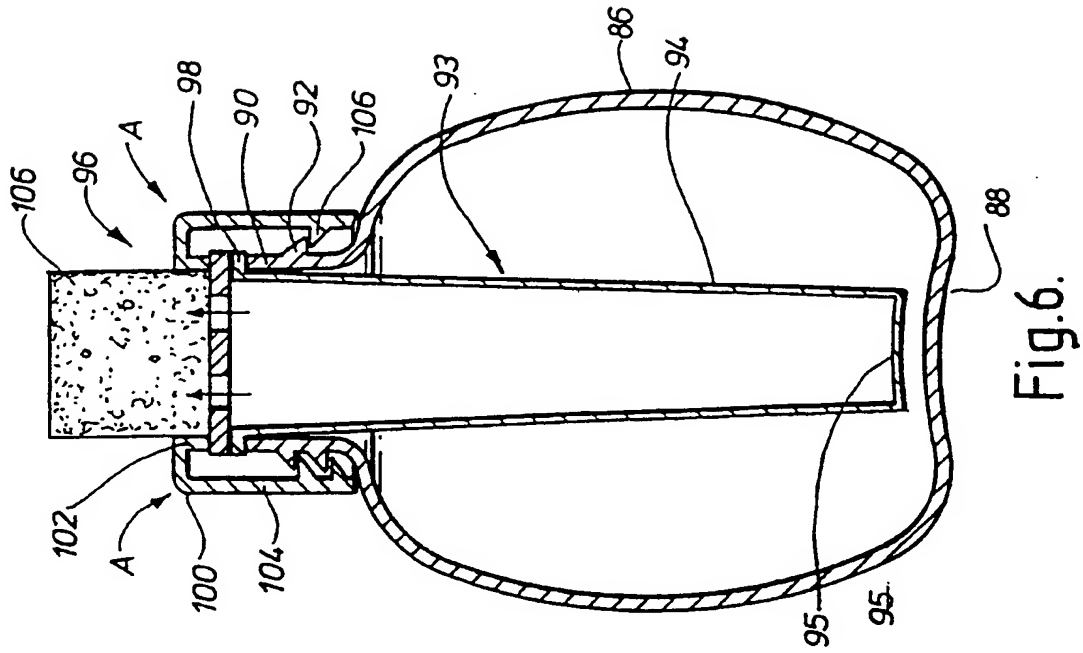


Fig.6.

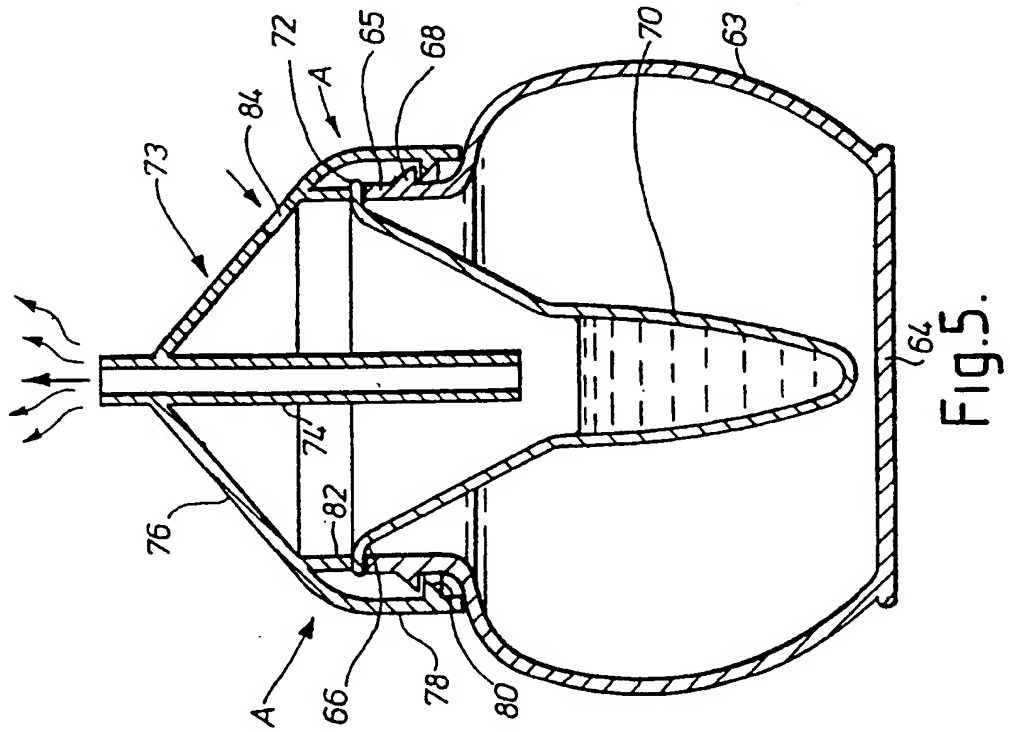


Fig.5.

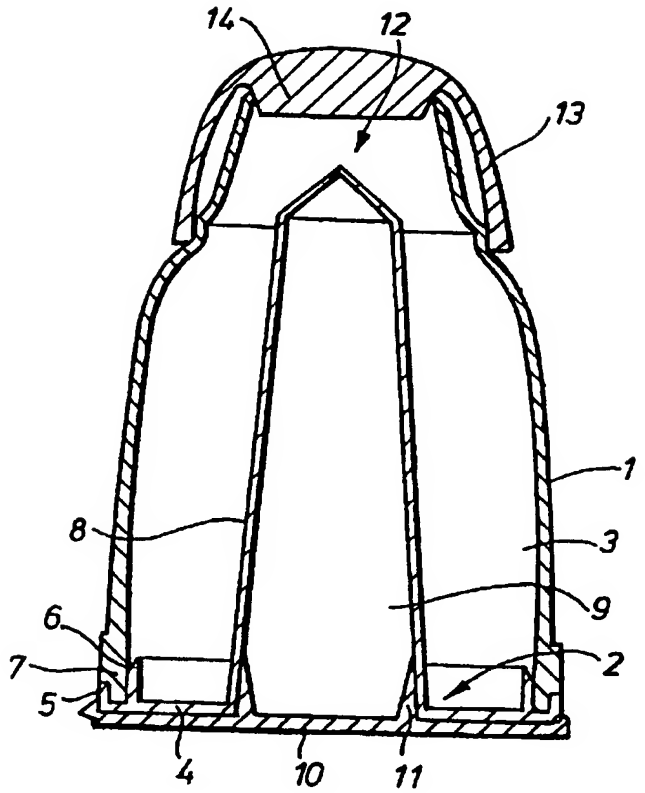


Fig. 1.

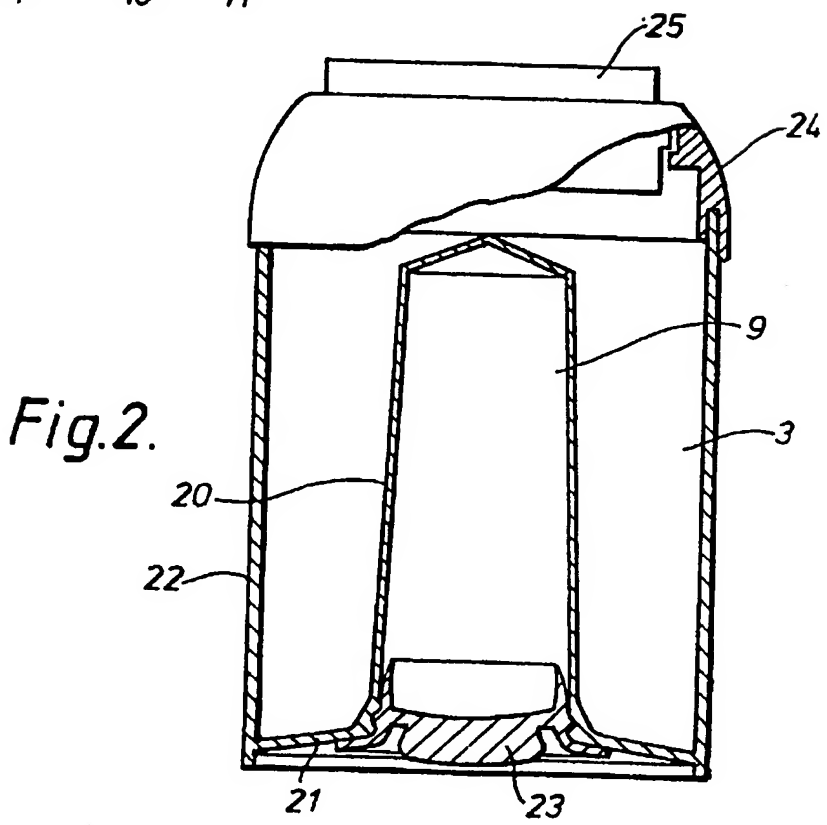


Fig. 2.

